

**United States District Court  
District of Massachusetts**

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**ENVISN, INC.,  
Plaintiff,**

**v.**

**KATHLEEN BRODERICK DAVIS and  
CLIFFORD A. DAVIS,  
Defendants.**

**KATHLEEN BRODERICK DAVIS  
Counterclaim Plaintiff,**

**v.**

**ENVISN, INC., and  
CHARLES RYAN,  
Counterclaim Defendants.**

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**CIVIL ACTION  
No. 11-12246-TSH**

**ORDER ON PLAINTIFF ENVISN, INC.'S MOTION  
TO EXTEND LOCAL RULE 26.1(c) DISCOVERY EVENTS**  
**February 13, 2013**

**HILLMAN, D.J.**

After reviewing Pl. Envisn, Inc.'s Mot. to Extend Local Rule 26.1(c) Discovery Events (Docket No. 74) ("Motion for Discovery") and other pleadings on file, the Court will grant limited additional discovery to Envisn, Inc. ("Plaintiff").

Plaintiff filed an amended complaint on October 4, 2012. Pl. Envisn, Inc.'s First Amended Verified Complaint (Docket No. 53) ("Amended Complaint"). The Amended Complaint joined Defendant Clifford A. Davis to the litigation and added six new claims of

fraud, two under 18 U.S.C. § 1961, two under M.G.L. ch. 109A and two of common law fraud. Amended Complaint ¶¶ 3, 149-182. The Court notes that prior to filing this Amended Complaint Plaintiff had served, by its own admission, twenty three interrogatories, twenty five requests for admissions and one set of requests for the production of documents on Defendant Kathleen Davis. Motion for Discovery ¶ 3. After filing the Amended Complaint Plaintiff served a second set of requests for the production of documents on Defendant Kathleen Davis and a first set of requests for the production of documents on Defendant Clifford Davis. *Id.* ¶ 4. Plaintiff therefore has not yet had an opportunity to serve discovery on all parties with regard to all of the claims at issue. Consequently, the Court finds that some additional discovery is appropriate to allow Plaintiff to gather information necessary to fairly litigate all of its claims.

The Court also notes that to date Plaintiff has conducted only five depositions and is therefore still entitled to conduct five depositions under the standard discovery limitations set forth in Local Rule 26.1(c). Plaintiff may do so at its discretion and without any special restrictions.

**IT IS HEREBY ORDERED** that Plaintiff Envisn, Inc.'s Motion to Extend Local Rule 26.1(c) Discovery Events (Docket No. 74) is **GRANTED** in part and **DENIED** in part:

1. Plaintiff may serve an additional twenty five (25) interrogatories as per Fed. R. Civ. P. 33. Any such interrogatories served on Defendant Kathleen Davis must be reasonably calculated uncover information relevant to Claim VIII (violation of 18 U.S.C. § 1961), Claim X (violation of M.G.L. ch. 109A) or Claim XII (common law fraud) of the Amended Complaint.
2. Plaintiff may serve an additional twenty five (25) requests for admissions as per Fed. R. Civ. P. 36. Any such requests for admissions served on Defendant Kathleen Davis must

be reasonably calculated to uncover information relevant to Claim VIII (violation of 18 U.S.C. § 1961), Claim X (violation of M.G.L. ch. 109A) or Claim XII (common law fraud) of the Amended Complaint.

/s/ **Timothy S. Hillman**  
TIMOTHY S. HILLMAN  
DISTRICT JUDGE